REMARKS

By this response, claims 1-58 and 90-101 remain pending in the same fashion as previously presented. Substantively, all claims stand rejected as obvious in view of the combination of Chang 6,157,953 and Van Dyke 6,412,070. According to the Examiner, Chang includes all the elements of the independent claims with the exception that Van Dyke (relative to claims 1-58) incorporates "having access rights granted to a system administrator, operable to be shared with other users having' [sic] other profiles accessible and administered exclusively by the other users, the string occurring exclusively upon initiation by the user." *Underlining added, Page 4, 1st ¶, 4-19-05 Final Rejection.* Relative to claims 90-101, the Examiner contends Van Dyke supplies the missing teaching by "having access rights granted to one or more system administrators including management of one or more accounts of end users, the one or more safes of digital identities having access rights granted exclusively to the end users via the one or more accounts including the exclusion of access rights of the one or more system administrators." *Page 15, 1st ¶, 4-19-05 Final Rejection.*

First, the Applicant would like to point out that pending claim 1 has no instance of usage of the term "the string" as the Examiner has made reference to. As previously presented, claim 1 (in its entirety) recites:

> 1. A computer server system for managing digital identity information, comprising at least one processor in operable connection with a memory configured by a database, the database including a vault for storage of at least one user object for a user, the vault having access rights granted to a system administrator, the user object having a corresponding safe object ~~in the database for the user~~, the safe object containing at

> least one profile accessed and administered exclusively by the user at the exclusion of the system administrator, each profile including digital identity information provided by the user and operable to be shared with other users having other profiles accessible and administered exclusively by the other users, ***the sharing*** occurring exclusively upon initiation by the user.

As seen in bold-italics, the claim term is properly "the sharing," not "the string," and it is "the sharing" of [digital identity information] which "occur[s] exclusively upon initiation by the user." It is believed the Patent Office made a mistake during its optical scanning of the pending claims and the Applicant respectfully requests reconsideration in view of this mistake. The Applicant does not believe anyone could have made a proper examination of the claim when the term "the string" and "the sharing" have radically different meanings and both greatly alter the meaning of the term "occurring exclusively upon initiation by the user" that follows thereafter. If the Examiner believes Van Dyke teaches such sharing, the Applicant would like it made of record. As of the Applicant's read, Van Dyke nowhere teaches such sharing. Chang does not teach it either.

Second, the Applicant does not dispute that Van Dyke teaches granting control of access rights to administrators. Also, the Applicant does not dispute that the prior art is replete with instances of usage where administrators have various access rights granted. However, to suggest that because Van Dyke broadly teaches granting of administrator rights it somehow, in combination with Chang, renders the claims obvious, is to over-generalize or over simplify the relationship of the claim terms.

As seen above, claim 1 precisely requires administrators to have "access rights" granted to "a vault." At the same time, the vault contains "at least one user object," in turn, "having a corresponding safe object." To these safe objects, "at least one profile" thereof

is "accessed and administered exclusively by the user at the exclusion of the administrator." Ultimately, the at least one profile includes digital information "operable to be shared with other end users having other profiles accessible and administered exclusively by the other users." "Sharing" [of profiles] then "occurs exclusively upon initiation by the user."

In other words, claim 1 requires a precise interaction of rights and sharing between a user, an administrator and still other users. It also requires them in a context related to a complex compilation of a vault, a user object, a safe object, a profile and digital information. The Applicant submits that rejecting these precise claims as obvious in view of Van Dyke's broad teaching, that administrators are given various access rights, is akin to arguing that a broad genus anticipates or renders obvious a definitively more narrow species.

In contrast, the law has long provided, a "prior art reference that discloses a genus still does not inherently disclose all species within that broad category." *Metabolite Laboratories, Inc. V. Laboratory Corp. of America Holdings*, 71 USPQ2d 1081, 1091 (Fed. Cir. 2004)(The court also quoted from *Corning Glass Works v. Sumitomo Elec. USA, Inc.*, 868 F.2d 1251, 1262 [9 USPQ2d 1962] (Fed. Cir. 1989)("**Under [defendant's] theory, a claim to a genus would inherently disclose all species. We find [this] argument wholly meritless** [sic]. . . .")(Bold Added)).

Third, if Van Dyke arguably supports the proposition that administrators are granted various access rights, Chang does not then supply the missing teachings thereby rendering the claims obvious. Namely, Chang does not even hint at 1) how end-users of the network ultimately interact with one another, as all pending claims precisely require; 2) how users ultimately interact with or exclude an administrator, as all pending claims precisely require; and 3) how digital identities of the end-users are embodied as profiles with the profiles being contained by a safe object having a corresponding user object and the user object being

stored in a vault. Quite frankly, Van Dyke shows none of these precise features either. To this end, the Applicant requests reconsideration.

Fourth, the Applicant respectfully reminds the Examiner that it is impermissible to utilize hindsight reconstruction when examining the claims. The proper test of obviousness is whether the differences between the invention and the prior art are such that "the subject matter as a whole would have been obvious at the time the invention was made" to a person skilled in the art. *Stratoflex Inc. V. Aeroquip Corp.*, 713 F.2d 1530, 1538 (Fed. Cir. 1983)(Underlining added). Bear in mind, the Applicant originally filed for patent protection on September 27, 2000. It is now nearly five full years after filing. The Applicant also reminds the Examiner of caution expressed by the Court of Appeals for the Federal Circuit that "[d]etermination of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the [] invention." *ATD Corp. v. Lydall, Inc.*, 159 f.3d 534, 536 (Fed. Cir. 1998).

Sixth, the reasons stated by the Examiner for combining Chang with Van Dyke relate exclusively to "provid[ing] Chang's system [with] the enhanced and extended capability of access control system in a multi-user sharing network system environment." *Pages 4 and 15, 1st ¶, 4-19-05 Final Rejection.* The Examiner's position, however, is untenable as a matter of law. As is known, references that teach away from one another should never be combined. Teaching away occurs "when a person of ordinary skill . . . would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *Para-Ordnance Mfg. v. SGS Importers Int'l.*, 73 F.3d 1085, 1090 (Fed. Cir. 1995).

Assuming *arguendo* that Van Dyke teaches "extended capability of access control," as the Examiner contends, Chang unequivocally teaches a single point, or centralized control and artisans would not be led to combine the two. As articulated in the Applicant's previous

paper, Chang concerns itself with system administrators and their ability to effectively "manag[e] software applications and services ***from a central location*** in a computer network." *Emphasis Added, col. 5, ll. 14-15.* Bear in mind, Chang attempts to overcome prior art problems where multiple system administrators, each with varying degrees of authority, need to perform many operations, functions, routines, etc. at multiple locations, including routinely having to "re-authenticate every time" they sign on to a service host, especially in networks where the multiple "service hosts are not in communication with each other." *Col. 2, ll. 54-56.* As Chang further describes it, this is "inefficient and repetitive." *Col. 2, l. 45.* Ultimately, artisans would not be led to combine a reference dedicated to centralized control (Chang) with a reference concerned with extended capabilities of access control (Examiner's characterization of Van Dyke).

Seventh, each of the pending claims distinguish themselves over the art of record. With more specificity, claim 1 requires a database having a vault for storing a user object. In turn, the user object has a safe object which contains at least one profile accessed and administered exclusively by the user at the exclusion of the system administrator. Chang, however, never discusses the ultimate end-users and all embodiments contemplate at least one system administrator having access to perform various operations on a server-side of a network. Van Dyke never mentions vaults, user objects, safe objects or profiles. Van Dyke cannot then somehow describe an administrator's or user's relationship to these entities and the more precise relationship between the administrator and user.

Further, the claim requires each profile to include digital identity information from the user and be "operable to be shared with other users having other profiles accessible and administered exclusively by the other users, the sharing occurring exclusively upon initiation by the user." Nowhere does Chang mention the interaction between various end-users, let alone those sharing profiles that are accessible and administered exclusively by the end-

users. To the extent Chang's system administrator might be considered "a user," Chang never mentions or otherwise intimates that various users can "share profiles" with one another. Van Dyke is, similarly, wholly void of teaching the concept of sharing. Bear in mind, one reason for the Applicant's invention stems from a desire to safely and continually share identity information between multiple users without continually needing to re-enter such information. As stated in the Applicant's Specification at page 24, ll. 16-18, for example, "[t]his allows DigitalMe ™ users 1002 to manage access to their identity information. More specifically, a user can change the information shared with another entity or revoke that entity's access entirely." *Underlining added.*

Still further, claim 1 requires "access rights" in the vault being granted to "a system administrator." On the other hand, users have "exclusive" administration of their own profiles, especially at the exclusion of the system administrator. This is supported in the specification wherein "the administrator 1000 has full administrative rights to the Vault, [a]s indicated by an arrow 1006 from the administrator 1000 to the end user 1002 . . . [and] end users have full access control over their respective Safes [in the vault]." *Applicant's Specification, p. 25, ll. 23-28.* Chang, however, never contemplates such scenarios. Van Dyke also shows no interaction between end users and users/administrators as they relate to complexities such as vaults and user profiles of safe objects in the vaults.

Claim 90 requires a vault "having access rights granted to one or more system administrators including management of one or more accounts of end users" and one or more safes of digital identities in the vault having "access rights granted exclusively to the end users via the one or more accounts including the exclusion of access rights of the one or more system administrators." In other words, without restricting the claim scope beyond the words expressly recited, administrators have access rights to vaults and to the management of the accounts of end users. End-users have exclusive access rights to their

digital identities in the vault, yet obtained these rights via their accounts, in turn, managed by the administrator. In still other words, end users have access to the substance of their digital identities while administrators give the end users their ability to get to the substance. In contrast, Chang does not mention accounts of end users nor of the end-user/administrator relationship outlined herein. Van Dyke does not supply the missing teaching because complexities of safes in vaults, digital identities, vaults including three layers, especially an access protocol layer, an identity server layer and an identity manager layer, and their relationship to administrators and end users is non-existent! Reconsideration is respectfully requested.

Claim 98 requires access rights to the vault be given to system administrators while access rights to the digital identity profiles, stored in the vault, be given to end users exclusively. Chang does not mention digital identity profiles anywhere. Chang simply mentions passwords and user names. Also, claim 98 requires the location of the end users be remote from the vault. Chang, conversely, teaches all operations at "a central location." On the other hand, Van Dyke nowhere mentions complexities of 1) safes in vaults; 2) vaults including three layers, especially an access protocol layer, an identity server layer and an identity manager layer; 3) digital identity profiles; and 4) the relationship of administrators and end users to the safes, vaults and profiles. Reconsideration is, thus, respectfully requested.

Eighth, the entirety of the dependent claims are submitted as being patentable because of their dependence on one of claims 1, 90 or 98 discussed above. Additional reasons of patentability can be given but are being held in abeyance in anticipation of a Notice of Allowance.

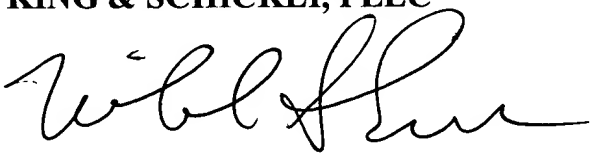
Consequently, the Applicant submits that all claims are in a condition for allowance and requests a timely Notice of Allowance to be issued for same. ***To the extent any fees are***

due, although none are believed due, the undersigned authorizes the deduction from Deposit Account No. 11-0978.

Finally, the Applicant again attaches herewith a previously filed Revocation of Prior Power of Attorney and Appointment of New Power of Attorney document (Exhibit 1) and requests such be entered. The document was filed a first time in September, 2004 along with a Change of Correspondence Address form (PTO/SB/122). It was filed a second time in the Amendment dated February 24, 2005. It is herewith filed for a third time. To the undersigned's knowledge, the Patent Office has still not entered this information despite an indication of reception in the form of a September 29, 2004 date stamp on the King & Schickli, PLLC, postcard. **Also, the new attorney docket number is 1363-006.**

Respectfully submitted,

KING & SCHICKLI, PLLC



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